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7 Attorney for Defendant,  
**MICHAEL BLUMENTHAL**

8  
9 **UNITED STATES DISTRICT COURT**

10 **DISTRICT OF NEVADA**

11  
12  
13  
14

UNITED STATES OF AMERICA,	)	
	)	2:14-CR-00207-LDG-VCF-1
Plaintiff,	)	
	)	
vs.	)	
	)	
MICHAEL BLUMENTHAL	)	
	)	
Defendant.	)	
	)	

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15 **RESPONSE TO GOVERNMENT'S APPEAL FROM MAGISTRATE**  
16 **JUDGE'S ORDER**

17 COMES NOW, the above named Defendant, MICHAEL  
18 BLUMENTHAL, by and through his undersigned attorney, ANDREW M.  
19 LEAVITT, ESQ., ESQ. of the Law Office of Andrew M. Leavitt, Esq. and hereby  
20 responds to the Government's Appeal from the Magistrate Judge's Order releasing  
21 the Defendant, Michael Blumenthal. This Response is made and based upon the  
22 points and authorities attached hereto, the pleadings and papers on file herein and  
23

24 //

25 //

26 //

27 //

28 //

1 upon such further evidence which may be presented at the hearing of this Appeal.  
2  
3

4 DATED this 25<sup>th</sup> day of July, 2014.  
5  
6

7 Law Office of  
8 ANDREW M. LEAVITT, ESQ.  
9  
10

11 /s/ Andrew M. Leavitt  
12  
13

14 ANDREW M. LEAVITT, ESQ.  
15 Nevada Bar # 3989  
16 633 South Seventh Street  
17 Las Vegas, Nevada 89101  
18  
19

20 **POINTS AND AUTHORITIES**  
21  
22

23 **STATEMENT OF FACTS**  
24  
25

26 The Government asserts that “the evidence” proves that Mr. Blumenthal  
27 should be detained as a risk of non-appearance.  
28

29 First, there is no “evidence” that proves that Mr. Blumenthal should be  
30 detained as a flight risk. The Government doesn’t allege any new facts,  
31 circumstances, or law that would justify overturning the Magistrate’s decision.  
32 Everything the Government is arguing was previously addressed, and thoroughly  
33 addressed by the Magistrate and Pretrial Services who both recommended that the  
34 Defendant be released.  
35

36 Mr. Blumenthal is a dual citizen of the United States and Canada. The  
37 only real concern that can possibly be ascertained from the government’s appeal is  
38 that the Government believes that the Defendant is going to abscond and return to  
39 Canada and not come back. This very exact argument can be made for every single  
40 Defendant in every single case. Specifically, any defendant in any case can leave  
41

1                   the Country and refuse to return to court. As will be shown below, the  
 2                   Government's arguments are completely meritless.  
 3

4                   When Mr. Blumenthal was arrested he cooperated 100% with the  
 5                   authorities. Mr. Blumenthal sat down and gave a detailed Proffer. The terms and  
 6                   agreement of the Proffer were that it would only be used against Mr. Blumenthal if  
 7                   he gave testimony under oath that contradicted anything in the Proffer. Mr.  
 8                   Blumenthal has never given testimony under oath and yet the Government is  
 9                   attempting to use the Proffer against him. The Government has called Mr.  
 10                  Blumenthal a liar. This is not true. When Mr. Blumenthal was interviewed by  
 11                  pretrial services, he informed pretrial services of his work history. This was  
 12                  explained to Magistrate Judge Carl Hoffman at the Detention Hearing.  
 13

14                  Just so that there is no misunderstanding, from 2011 to the present, Mr.  
 15                  Blumenthal has worked at TQ Knits, Inc. with his father. His father sells uniforms  
 16                  to the school children in Canada. This has been verified by the U.S. Attorney's  
 17                  Office. From January 2013 through August 2013 Mr. Blumenthal also worked as a  
 18                  sales representative, point of sale for equipment terminals used by Canadian Retail  
 19                  Merchants. These are debit/credit card terminals. He earned a salary and  
 20                  commission which was approximately \$30,000.00 a year. He worked this job in  
 21                  addition to working with his father. From January 2012 through August 2012 Mr.  
 22                  Blumenthal worked for a point of sale for a Secure Credit Card Services Company.  
 23                  Again, this was during the same time he worked with his father at TQ Knit.  
 24

25                  From December 2007 through the Spring of 2011 Mr. Blumenthal worked  
 26                  for Mobile Diagnostic Centers which is the subject of the criminal indictment in this  
 27                  case. From 2005 through 2007 Mr. Blumenthal worked for a point of sales  
 28

1 equipment company earning approximately \$30,000.00 a year. Prior to this he  
 2 worked for his father's company.  
 3

4 This is exactly what pretrial services was informed of by Mr. Blumenthal.  
 5 Mr. Blumenthal never lied to pretrial services about his work history.  
 6

7 Finally, contrary to the Government's representations, Mr. Blumenthal did  
 8 not give any inconsistent testimony from his Proffer to pretrial services and the use  
 9 of Mr. Blumenthal's proffer in this particular factual scenario is in breach of the  
 10 parties' agreement. Mr. Blumenthal has nothing to hide regarding his prior work  
 11 history or his prior income and the fact that this is even being brought up is  
 12 evidence of the Government's lack of any facts or legal basis to detain Mr.  
 13 Blumenthal.

14 Mr. Blumenthal has absolutely no prior record. Mr. Blumenthal has never  
 15 been arrested. Mr. Blumenthal is 37 years old, is married and has two children.  
 16 The children are 4 and 2 years old.  
 17

18 The last act alleged in the Indictment dates back to 2011. Counsel is not  
 19 sure what efforts were made by the Government to notify Mr. Blumenthal that there  
 20 was an Indictment pending or what was done by the Government to apprehend Mr.  
 21 Blumenthal in the last three years. Mr. Blumenthal was arrested on these charges,  
 22 of which he was completely unaware of, when he was entering the United States to  
 23 visit his family on vacation. The Government should at least show what efforts, if  
 24 any, were made to notify Mr. Blumenthal of this Indictment or what steps, if any,  
 25 were taken to arrest Mr. Blumenthal or take him into custody as a result of this case  
 26 that is stale and has been lying dormant for the last three years.  
 27

28

1                   Mr. Blumenthal has lived in Montreal his entire life. As a result of his  
 2 mother's United States citizenship, Michael was born, and remains a dual citizen  
 3 between the United States and Canada.  
 4

5                   Michael was raised in a very tight knit, predominantly Jewish Montreal  
 6 Suburb called Cote St. Luke and as the attached letters attest to, (Exhibit "1")  
 7 established relationships which have stayed with him his entire life.  
 8

9                   The following individuals provided letters for the court's consideration.  
 10

- 11                 1. Susan Katz, Mr. Blumenthal's aunt.
- 12                 2. Phyllis Lazar, Mr. Blumenthal's mother.
- 13                 3. Alec Blumenthal, Mr. Blumenthal's father.
- 14                 4. Jamie Abramobitch, business owner and long time friend of Mr.  
                        Blumenthal.
- 15                 5. Mitchell Schwartz, Mr. Blumenthal's father-in-law.
- 16                 6. Mirian Swartz, Mr. Blumenthal's mother-in-law.
- 17                 7. Matthew Pucser, Matthew Blumenthal's step-brother.
- 18                 8. Wendy Kaufman, close friend for 5 years.
- 19                 9. Rhona Cantor, Mr. Blumenthal's friend since 17.
- 20                 10. Kelly Arfin, Assistant Director of the Community Daycare; Mr.  
                        Blumenthal's friend for 5 years.
- 21                 11. Christopher Pucfer, Mr. Blumenthal's step brother.
- 22                 12. Allen Brocak, Mr. Blumenthal's friend of 20 years.
- 23                 13. Georgette Vincce, Mr. Blumenthal's step mother.
- 24                 14. Rueben Poutko, Mr. Blumenthal's Rabbi.

25                   All of the attached letters attest to Mr. Blumenthal's character, his love for  
 26 his children, his family ties, his community ties and the absolute shock of everyone  
 27 that Mr. Blumenthal was indicted in this case. All of these individuals voluntarily  
 28 sent letters with a simple phone call and it is readily obvious to anyone that reads  
                        these letters (exhibit "1") that Mr. Blumenthal is not a criminal, is not a flight risk,  
                        takes care of his family and his two children, is a person of excellent character and  
                        devoted family man.

29                   Following high school, Michael attended Cegept (the Canadian equivalent  
 30 of a two year junior college) and graduated from Dawson College.  
 31

1                   Michael started dating his now wife Randi Schwartz in about 2004, and the  
 2 two have been married for over six years. As previously stated, Michael and Randi  
 3 have two children, Cooper age 4 and Harper age 2. According to all who know  
 4 him, and again, as reflected in the attached exhibits (Exhibits "1") Michael is a  
 5 consummate dad and truly the antithesis of one who would abandon his children,  
 6 and his family, by becoming a fugitive.

7                   Even in adulthood, Michael remains extremely close with his mother and  
 8 father. His mother speaks to him on a daily basis and he works for his father's  
 9 company TQ Knit, which is a sweater/garment manufacturing company which sells  
 10 clothes to the schools in Canada.

11                  The depth and strength of Michael's relationship with his family, and  
 12 connection with his community is strong.

13                  The only real argument that the Government has made that the Defendant  
 14 is a flight risk is that the Government is concerned that the Defendant may leave to  
 15 Canada. In assessing a Defendant's "ties to the community", the analysis need not  
 16 be construed to the community in which a Defendant is indicted, but rather, the  
 17 court may consider the defendant's attachment to any community in the United  
 18 States with which the defendant has ties. See United States v. Townsend, 897 F.2d  
 19 989, 995 (9<sup>th</sup> Cir. 1990). As the Government surely knows, a defendant's alien  
 20 status may be taken into account, alienage, does not, by itself, "tip the balance,  
 21 either for or against detention". See United States v. Motamedi, 767 F.2d 1403,  
 22 1408 (9<sup>th</sup> Cir. 1985).

23                  Even if this Court, as the Government suggests, should use the fact that  
 24 the Defendant is a Canadian resident against him, the Defendant is not an "alien".

25                  The Defendant has dual citizenship in the United States and Canada.

1           It is extremely important for this court to note that at the Defendant's  
 2           detention hearing in Las Vegas, Nevada, Mr. Blumenthal's mother flew in from  
 3           Canada to be present, his father flew in from Canada to be present, his wife flew in  
 4           from Canada to be present, and his uncle, Lannie Katz flew in from Bloomfield,  
 5           New Jersey to be present.

6  
 7           During the court proceedings in front of the Magistrate, Lannie Katz, Mr.  
 8           Blumenthal's uncle, agreed to be responsible for maintaining personal supervision  
 9           over Michael and mandating compliance with any conditions that the court set.  
 10           Additionally, Lannie Katz, Mr. Blumenthal's uncle agreed to post a \$10,000.00  
 11           cash bond and has tendered these funds to defense counsel to deposit with the court.  
 12           Additionally, Mr. Blumenthal's father has tendered \$50,000.00 to defense counsel  
 13           to be posted as a cash bond to ensure Mr. Blumenthal's presence. There will be a  
 14           \$60,000.00 cash bond posted.

15  
 16           Mr. Blumenthal is presumed innocent and the Magistrate has fashioned  
 17           conditions and a combination of conditions which will reasonably assure Mr.  
 18           Blumenthal's appearance. Magistrate Judge Carl Hoffman presided over the  
 19           detention hearing. Magistrate Carl Hoffman considered all of the parties'  
 20           arguments on July 15, 2014; July 17, 2014; July 18, 2014 and July 21, 2014.

21  
 22           **Pretrial services recommended that Mr. Blumenthal be released.**

23  
 24           After thoroughly reviewing Pretrial Services' Report and listening to  
 25           arguments from defense counsel and the Government on four separate days,  
 26           Magistrate Carl Hoffman released Mr. Blumenthal with the following conditions:

- 27           1.       Pretrial Services Supervision;  
 28           2.       That the Defendant reside with his uncle in New Jersey;  
 3.       That the Defendant's uncle, Lanny Katz be responsible for maintaining  
          personal supervision over Michael and mandating compliance with pretrial  
          services' conditions (this court should note that Lanny Katz was present in

court and agreed to be responsible over Michael in mandating compliance);  
That cash bonds be posted in the amount of \$50,000.00 and \$10,000.00;  
That Mr. Blumenthal be subject to GPS monitoring;  
That Mr. Blumenthal's travel be restricted to New Jersey and Clark County for work and court purposes only;  
That Mr. Blumenthal surrender his passports;  
No contact with any alleged victims;

**In addition to all of the above, Mr. Blumenthal will abide by any other conditions that this Court deems necessary to impose.**

Again, there is simply no basis for the Government's appeal from the Magistrate's Order Releasing Mr. Blumenthal, other than he is a Canadian resident. Mr. Blumenthal has never missed a court appearance, has never been arrested in his life, has a very close knit family, is married with two children and has been working full time with his father. All of the above conditions with a combination of a \$60,000.00 cash bond from his father and uncle, GPS Monitoring System, Pretrial Services supervision and everything else clearly demonstrate that there are conditions and a combination of conditions to secure Mr. Blumenthal's presence and the Government's concerns are simply unsupported by any fact or law and groundless.

Finally, the fact that Mr. Blumenthal's mother, his father, his uncle and his wife voluntarily traveled across the United States to be present in court for Mr. Blumenthal's detention hearing speaks volumes for his family support, his community ties and his character.

#### **LEGAL ARGUMENT**

As previously set forth above, the fact that the Defendant resides in Canada is of no significance in this case and is essentially the only argument that

1                   the Government is making for detention. Mr. Blumenthal is also a citizen of the  
 2                   United States.

3                   The other argument that the Government makes is that Mr. Blumenthal's  
 4                   prison potential makes him a flight risk. The Government argues that since Mr.  
 5                   Blumenthal is facing prison time, that he is somehow a flight risk. Again, this exact  
 6                   argument could be made for every single Defendant in every single case.

7                   Evidence of guilt, even strong evidence is insufficient to demonstrate a  
 8                   risk of flight in the face of a Defendant's substantial ties to his community. See  
 9                   United States v. Friedman, 837 F.2d 48 (2<sup>nd</sup> Cir. 1988). Although the weight of the  
 10                  evidence against a Defendant is a factor to be considered it is the "least important"  
 11                  of the various facts concerning detention. See United States v. Motamedi, 767 F.2d  
 12                  1403, 1408 (9<sup>th</sup> Cir. 1985).

13                  If congress had intended strong evidence of guilt to act as a bar against  
 14                  pretrial release, it would have mandated such. It did not.

15                  The issue of detention in this case turns on whether the court can trust Mr.  
 16                  Blumenthal to make his court appearances while under the above significantly  
 17                  restricted pretrial conditions of release. Mr. Blumenthal's past conduct speaks  
 18                  volumes since he has clearly demonstrated the ability, through his past commitment  
 19                  to his children, to his family, and to his community that he can comply with any  
 20                  obligations that this court places upon him. The strength of such ties in  
 21                  combination with the \$50,000.00 cash bond, and the \$10,000.00 cash bond, GPS  
 22                  monitoring, third party supervision and the other conditions of release, clearly  
 23                  support the Defendants pretrial release and again, the Government should have to  
 24                  show what, if anything, it has done to apprehend Mr. Blumenthal or to notify him of  
 25  
 26  
 27  
 28

1 these charges before arguing that he is some kind of a flight risk just because he is  
2 facing prison time.  
3

4 **THE GOVERNMENT MUST PROVE THAT NO CONDITION OF**  
5 **RELEASE EXISTS WHICH WOULD REASONABLY ENSURE THE**  
6 **DEFENDANT'S APPEARANCE AND/OR PRESERVE THE "SAFETY" OF**  
7 **THE COMMUNITY DURING PRETRIAL PROCEEDINGS.**

8 The Bail Reform Act requires the Government to demonstrate that there  
9 are no conditions or combination of conditions that will reasonably assure the  
10 appearance of the Defendant and the safety of the community. See 18 U.S.C. §  
11 3142 (2); Motamedi, 767 F.2d at 1407. To prove this, the government must  
12 demonstrate that even though there are stringent conditions that may be imposed,  
13 there still is “clear and convincing evidence” to believe that Mr. Blumenthal  
14 presents a risk of danger and a preponderance of evidence to indicate that he  
15 presents a continued risk of flight. See United States v. Hir, 517 F.3d 1081, 1985  
16 (9<sup>th</sup> Cir. 2008).

17 In regards to the “risk of danger” one simply has to ask what the  
18 Government has done and what steps were taken in the last three years to apprehend  
19 or notify Mr. Blumenthal that these charges were pending against him. If he is such  
20 a “risk of danger” what has the Government done in the last 3 years to apprehend  
21 this dangerous person?

22 When discussing the specific provisions of 18 U.S.C. § 3142, one often  
23 forgets that in passing the Bail Reform Act, Congress intended that only a small,  
24 but identifiable group of alleged criminal defendants (specifically, drug dealers) be  
25 detained pending trial on the basis of danger.

26  
27 “The change in the law was said to reflect ‘the deep  
28 public concern...about the growing problem of  
crimes committed by persons on release’ and  
recognition that ‘there is a small but identifiable

group of particularly dangerous defendants as to whom the imposition of stringent release conditions nor the prospect of revocation of release can reasonably assure the safety of the community or other persons. It is with respect to this limited group of offenders that the court must be given the power to deny release pending trial."

United States v. Leon, 766 F.2d 77, 80 (2<sup>nd</sup> Cir. 1985) (emphasis in original); quoting S.Rep.No.225, 98<sup>th</sup> Cong., 1<sup>st</sup> Sess. 6-7.

This of course is not a drug case, and Mr. Blumenthal is not a drug dealer. More importantly, not only is Mr. Blumenthal not charged with selling drugs, he is also not charged with any offenses enumerated in 18 U.S.C. § 3142(f) (which include drug offenses, crimes of violence, terrorist charges, offenses against minors and gun allegations.) As such, it is the defense's position that Mr. Blumenthal cannot statutorily be detained on the basis of danger because he is not charged with one of the offenses listed in § 3142(f). United States v. Friedman, 837 F.2d 84 (2d Cir, 1988); United States v. Himler, 797 F.2d 156 (3d Cir, 1986).

Assuming, *arguendo*, that "danger" is a statutorily prescribed basis for detention in this case, the Government cannot meet its requisite burden of proof.

To prevail on a motion for detention on the grounds of "dangerousness", the Government must demonstrate by clear and convincing evidence that no conditions of release will reasonably assure the safety of the community during the Defendant's release. See Hir, Supra, 517 F.3d at 1085.

"Clear and convincing evidence" is defined as "evidence indicating that the thing to be proved is highly probable or reasonably certain". Black's Law Dictionary, 7<sup>th</sup> Edition. West Group, 1999, p.577. Or, put another way, proof which, "support[s] such a conclusion with a high degree of certainty." United States v. Chimurenga, 760 F.2d 400, 405 (2d Cir. 1985).

1           It is not enough to show that a defendant "in theory" poses a danger.  
2  
3           Rather, the Government must establish by clear and convincing evidence that an  
4           "actual" danger exists. United States v. Patriarca, 948 F.2d 789 (1<sup>st</sup> Cir. 1991).

5           Here there is no compelling evidence that Mr. Blumenthal will commit  
6           any type of crime while out of custody pending the litigation of this case. Only  
7           when there is a "strong probability" that a person will commit additional crimes if  
8           released: is the interest in public safety sufficiently compelling to overcome the  
9           liberty rights of an accused. United States v. Ploff, 851 F.2d 7 (1<sup>st</sup> Cir. 1988).

10           There is no such "strong probability" in this case.

11           Moreover, even if the Government were able to demonstrate a strong  
12           probability of future crime, it would then need to prove by clear and convincing  
13           evidence why this is one of "the rare cases warranting detention" because there are  
14           no conditions which could be implemented to protect the community from such  
15           danger. United States v. Jessup, 757 F.2d 378, 381 (1<sup>st</sup> Cir. 1985). This the  
16           Government cannot do.

17           In regards to a "preponderance of evidence" to indicate that Mr.  
18           Blumenthal represents a risk of flight, the only argument that the Government  
19           makes is that he is charged with a serious offense and he lives in Canada. Other  
20           than this, there is absolutely no basis whatsoever for the Government's appeal and  
21           absolutely no basis whatsoever for the Government's arguments concerning  
22           detention.

23           The Government argues that even though the United States has an  
24           extradition treaty with Canada, that it could "possibly" take up to three years to  
25           extradite Mr. Blumenthal from Canada. Presumably, during the three years that it  
26           would allegedly take to extradite Mr. Blumenthal from Canada, he would be in

1 custody in Canada. Mr. Blumenthal has already agreed to waive extradition from  
 2 Canada. Counsel for Mr. Blumenthal prepared a Waiver of Extradition document  
 3 which Mr. Blumenthal has signed. The Government did not wish to accept it and  
 4 indicated that it allegedly did not have any binding effect on Canada. The United  
 5 States has an extradition treaty with Canada and counsel does not understand why it  
 6 would take "three years" to bring an individual back from Canada when they have  
 7 agreed to extradition. Neither can counsel not understand why the Government  
 8 took no steps to apprehend or notify Mr. Blumenthal of these pending proceedings  
 9 for the last three years.

10

**MR. BLUMENTHAL'S APPEARANCE CAN BE REASONABLY ASSURED**  
**THROUGH THE CONDITIONS OF PRE-TRIAL RELEASE IMPOSED BY**  
**MAGISTRATE CARL HOFFMAN**

11

12 As they pertain to a Defendant's risk of non-appearance, conditions of  
 13 release need "not guarantee" flight, as very few, if any, conditions could  
 14 "absolutely" guarantee such things. Rather, the pretrial release conditions should  
 15 provide an "objectively reasonable" assurance of appearance and safety after taking  
 16 into account all the relevant factors surrounding the Defendant. See United States  
 17 v. Obrien, 895 F.2d 810 (1<sup>st</sup> Cir. 1990). The Government does not allege that Mr.  
 18 Blumenthal has committed a criminal act since 2011. The Government does not  
 19 allege what efforts it has taken to apprehend Mr. Blumenthal that is allegedly a  
 20 "risk of danger". Presumably, the Government has done absolutely nothing to  
 21 apprehend Mr. Blumenthal or to notify him of any charges.

22

23 The Court's primary concern should be whether Mr. Blumenthal has any  
 24 reason to return for his court dates; maintain his interpersonal relationships and  
 25 refrain from cutting all ties to those dear to him by becoming a federal fugitive. Mr.  
 26 Blumenthal has every reason to continue these relationships, the least of which, his  
 27

4 year old son and 2 year old daughter, his wife, his father, his father and his uncle who have pledged \$60,000.00 of their own personal funds as well as agreed to be a personal supervisor to assure that Mr. Blumenthal abides by all conditions of his pretrial release.

There is absolutely nothing about this particular case, Mr. Blumenthal's particular circumstances, to demonstrate by "clear and convincing evidence", that Mr. Blumenthal presents a risk of danger nor is there a "preponderance of evidence" to indicate that he is a risk of flight or will not appear in court. Again, Mr. Blumenthal has no prior record and has never missed a court appearance.

## **CONCLUSION**

Federal law has traditionally provided that only in “rare cases”, should a Defendant’s pre-trial release be denied. United States v. Townsend, 897 F.2d at 995; citing Sellers v. United States, 89 S.Ct. 36, 38 (1968). This is not one of those “rare” cases.

The Government's Appeal from the Magistrate's Judge's Order must be denied.

DATED this 25<sup>th</sup> day of July, 2014.

Law Office of  
ANDREW M. LEAVITT, ESQ.

/s/ Andrew M. Leavitt

ANDREW M. LEAVITT, ESQ.  
Nevada Bar # 3989  
633 South Seventh Street  
Las Vegas, Nevada 89101

1  
2                   **CERTIFICATE OF SERVICE**  
3

4                   I hereby certify that I am an employee of the Law Office of Andrew M.  
5                   Leavitt, Esq., and that on the 25<sup>th</sup> day of July, 2014, I did send via electronic filing,  
6                   the foregoing ***RESPONSE TO GOVERNMENT'S APPEAL FROM***  
***MAGISTRATE JUDGE'S ORDER*** to:

7  
8                   Sarah E. Griswold, Esq.  
9                   U.S. Attorney's Office  
10                  333 Las Vegas Blvd So  
11                  Suite 5000  
12                  Las Vegas, NV 89101  
13                  702-388-6336  
14                  702-388-6418 (fax)  
15                  sarah.griswold@usdoj.gov

16  
17  
18                  /s/ Leticia Herrera  
19

20                  Leticia Herrera, an Employee of  
21                  the Law Office of Andrew M. Leavitt, Esq.  
22  
23  
24  
25  
26  
27  
28

Exhibit “1”

Susan Katz  
90 Golf Road  
Bloomfield, NJ 07003

July 9, 2014

The Honorable Court:

My name is Susan Katz, and Michael Blumenthal is my nephew. I have known and loved him since he was born. I am aware that he has been arrested and charged federally with fraud.

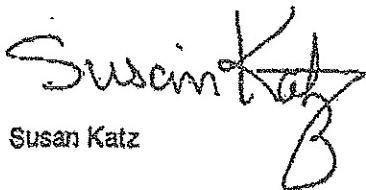
I know Michael to be a loving and generous son. He calls his mother almost daily, and sees her frequently. He helps her in many ways with little chores and with bigger needs like the long term loan of a car.

I have seen for myself that he is an excellent father and family man. He has a close and loving relationship with his wife which has been abundantly clear at the times we have been together. In addition he is a true partner, taking at least half the responsibility for maintaining their household, meal preparation and child care.

As a parent, I admire the way Michael speaks to his children and takes care of them. He drives them to child care every day and seems to truly enjoy their company. He is clearly very devoted to them.

My husband and I are willing to offer \$10,000.00 toward any necessary collateral for his release, pending trial. If he is not permitted to return to his home in Canada during that time we would welcome him in our home if he can travel to New Jersey.

Yours truly,

  
Susan Katz

Phyllis Lazar

6655 Mackle Road, Apt 609, Cote St.Luc, Qc. H4W 2Y3

"THE HONORABLE COURT"

Phyllis Lazar, Teacher of ESL to executives in large corporations. I am Michael Blumenthal's mother.

I am aware that Michael has been arrested and charged federally with fraud.

Michael has always been a caring, sensitive person. I have always found that he has lived up to his obligations. He is helpful to me in any way that I need. When he used my car, as a younger person, he always made sure there was some gas left in the tank. He took care of washing his own clothes as he got older, showing that he was responsible for himself and to help me. If he saw someone, on the street, having a problem he would often try to help them.

Michael and I are very close. He calls me each morning to touch base and takes me to lunch occasionally, just to be able to visit. He is a terrific father. He spends time with his kids, whether in their backyard or at the park or playing ball with his son. He has taken them to daycare each day and brought them home. He is willing to prepare supper and help with the dishes. He baths the children and gets them ready for bed. He is always interested in his nephews and keeps in touch with his brother and sister-in-law. He likes family gatherings and often has holiday celebrations at his house. He and Randi appear to have a very strong, sharing relationship. His family is very important to him and he would not desert them. He will be missed by his children and his wife, if he is not there.

I am willing to post my house in Florida as collateral. I have confidence in Michael and know that he will comply with all conditions upon his release.

Sincerely,

Phyllis Lazar

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Page 1 of 1

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Alec Blumenthal  
68 Dauphin Street  
Kirkland, Quebec  
H9S 2J5

JULY 04 2014

THE HONORABLE COURT

Alec Blumenthal, Retired...Father to the defendant

I am aware that my son Michael has been arrested and charged with fraud...

I would appreciate bringing to the courts attention, that Michael & mother and I were divorced when he was eleven years old...It was a very difficult period for him during the separation and divorce. His two brothers were considerable older than him, and he ended up being caught in the middle of this very hostile environment...

Thankfully he adapted extremely well when I started a relationship with my present wife and her two sons. That up to the present he has an exceptional relationship with Christopher and Matthew and their respective wives and children.

Michael has made me very proud, as he has an extraordinary relationship with his children, Cooper, Harper and his wife Randi... He is definitely a Hands on Father as his daily routine, involves getting the children up, fed, dressed and taking them to daycare as his wife Randi starts work very early.

In the evenings, he also is a great help to Randi with preparing meals, bathing the children and tucking them in for the night.

I am confident that Michael would adhere to all conditions imposed by the court, if allowed on bail...

I am willing to submit to the court a deposit of \$ 25,000.00 as a guarantee that he will appear before the court when requested.

Respectfully yours,



Alec Blumenthal

JENERE SALES

5770 FERRIER • Mount Royal, Quebec, H4P 1M7 • Tel: (514) 388-1440 • Fax: (514) 388-0681

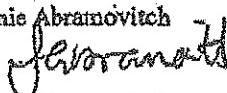
To The Honorable Court,

My name is Jamie Abramovitch. I am a part owner of Jenere Sales, an import, wholesale and distribution business located in Montreal Canada. My father started the business and we have been in the trade for over 35 years. I am a long-time friend of Michael Blumenthal and we have known each other since elementary school more than 25 years ago. We grew up together in Montreal and have countless good memories from all of these years. I was very surprised to find out that Michael is being charged in this criminal investigation, and it broke my heart. Michael and his loving wife Randi have 2 beautiful children Cooper and Harper, and in my opinion, having to be away from his family is without question the hardest thing for him to do. He is an extremely devoted father to his kids. I grew up in a very close family environment, so I know how close family ties can help cultivate happiness in children. When I see him with his family, it makes me hope that I can be as good a father to my kids when the time comes for my wife and I.

Besides being a caring husband and father, Michael is also a very loyal friend. He always shows interest in his friends' lives and tries to ensure that everyone is doing well. When I was hospitalized for a few days in 2001 he was one of the first people to visit and he didn't leave until he knew that I had everything I needed to stay at the hospital overnight. He has a big heart and a jovial way of showing that he cares.

Michael is an all-around good spirited person who adores his wife and is a dedicated father to his kids. He is a courteous and considerate person constantly concerned about his friends and their well-being. In understanding Michael's kind character, your honor, you could understand my shock to find out that he is being charged in these serious allegations. I understand the disconcerting circumstances that Michael is facing. These allegations will definitely hurt his reputation among his family and friends, but no matter the outcome, his community will always adhere to knowing what a good person Michael is. I wish the most positive outcome for him in this case and I support him alongside his family and friends.

Sincerely,

Jamie Abramovitch  


Jamie Abramovitch  
5840 Marc Chagall  
Cote Saint-Luc, Quebec  
Canada H4W 3K6  
Tel: 514-991-7300

July 2 2014

To: The Honorable Court

Please be advised that as Michael's in-laws, we have known Michael since 2006 and have found him to be a fine young man.

From the time we met him we have been continually impressed with his integrity and strong work ethic. From the time our daughter and he married, we have been a close family with strong ties to each other. Many times when we have work around our home, Michael has always volunteered to help, from constructing a new deck to cutting the grass, he has always been there for us.

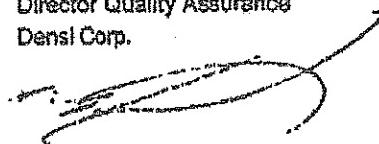
On the day our first grandchild, Cooper was born, we instantly knew that he would be an excellent father. That trend continued with the birth of their second, Harper. He has not only exceeded expectations as an involved parent, but has surpassed even my wildest dreams for my daughter to marry someone of his principles, and his love for her.

I've often said that Michael is more of a mother to the children than my own daughter, he's brings them to school and picks them up after, on weekends, he's often out with them at one activity or another. The children absolutely love him, and will gravitate to wherever he happens to sit, so that they can crawl over and on him. There isn't a minute that goes by, when he's in the area that they don't stick to him. He takes them on walks around the neighborhood, to the local playground, and this after a day at work.

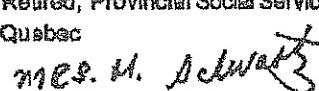
When his mother-in-law needs a lift to an appointment, he's always there to offer. If I have an early flight out for a business trip, he always asks if I need a lift, even at 5AM.

We know that he's been charged with the serious crime of fraud, and the fact that he does not live in the US only compounds the issue, but, his family loves and needs him home, especially his children who miss him dearly. We also firmly believe that if he were granted the right to return home, that he would definitely return to the US when requested to do so, to expedite the process that will permanently return him home to his family and friends.

Mitchel Schwartz, Father-In-Law  
Director Quality Assurance  
Densi Corp.



Miriam Schwartz, Mother-In-Law  
Retired, Provincial Social Services  
Qusbec



132 Fredmir Street  
Dollard Des Ormeaux,  
Quebec, Canada  
H9A 2V8

July 3, 2014

Honourable Court,

I, Matthew Pucser, Marketing Research Consultant, step-brother of Michael of 24 years, am aware of Michael's recent arrest and federal fraud charges.

It is my opinion that Michael is an extremely generous, kind, intelligent, and a good hearted person. Over the many years I have known Michael he has always been a friend, offered to help with his time, and was always involved with the important things in our family (birthdays, celebrations, and the holidays). When my wife and I were pregnant he made a point of calling to ask how she was feeling and was very excited for the arrival of our daughter. Over the last 1.5 years he has given us Harper's baby clothes, and toys, which have been a tremendous help financially.

Michael is an amazing hands-on father. Each Saturday I recall he spends one-on-one time with his son over breakfast at McDonalds. Michael also spends each summer making sure he has quality time with his family; visits to the park, the zoo, and travelling for vacation. He is also involved in Cooper's soccer league, and, helps him fall asleep by sleeping in Cooper's bed. I recently learned over lunch with Michael that he drops off and picks up Cooper each day at daycare. As a husband, Michael is very caring and considerate. Last summer he organized a surprise birthday party for Randi, which my wife and I were happy to attend. Lastly, I know that Michael is very close with his father (my step-father, Alec) and has been instrumental in growing their knitwear company; through his passion, leadership, dedication and hard work.

In summary Michael is a family man by every measure. I truly believe that he will uphold the sanctity of his family, his reputation as a father, husband and son, and the relationship of his friends by appearing before the honourable court for prosecution, while respecting the terms and conditions of his bail.

Sincerely,



Matthew Pucser

Thursday, July 3, 2014

The Honorable Court,

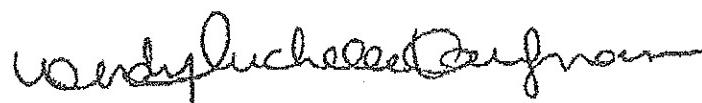
I am providing this reference with full knowledge of Michael Blumenthal's arrest and charge of fraud.

I have been friends with Michael's wife Randi for almost 5 years. We met when our son's were infants and as our families have grown, so has our friendship. I first met Michael a few months later at a children's birthday party.

Over the years, I have seen and spoken to Michael often. I have also been able to observe the type of person Michael is with regards to his family. Family time is very much Randi and Michael's priority, their weekends and time off of work is focused on spending time with their children, Harper & Cooper, their extended family and friends. Randi and Michael often host their family holiday gatherings, and are always running to parties for those they are close to.

When you look at Randi and Michael, it is not hard to see how much they love each other and are committed to their relationship and to their children. They are in constant contact and genuinely enjoy each other's company. The sound of laughter is a constant in the Blumenthal home. There is also no question as to Michael's love for his children.

In my heart, I do not believe he would ever abandon the life that he and my beautiful friend have built together over the last 9 years.



Wendy Kaufman

RHONA L. CANTOR

Address: 8889 Lakeside Rd. #303  
Montreal, Quebec  
H4V 2T3

Phone #: 514-488-0180  
Fax #: 514-488-0189

Email: rhonacantor@gmail.com

FAX TRANSMITTAL FORM

To: Philip Katz Defense APC

Name: Michael Blundell  
CC:  
Phone: 310-431-0111  
Fax: 310-431-0113

From: Rhona L. Cantor  
Date: Sept:

Number of Pages:

MESSAGE:

1 - Rhona Luber Cantor I am a recovery specialist for domestic accounts , for an import company. I have known Michael since he was seventeen, as I am his mother's friend.

2 - I am aware that Michael has been arrested and charged federally with fraud.

3 - In my opinion, having known Michael for this length of time, I have always found Michael to be a gentle and kind individual. He has always been most helpful to me, on occasion, when needed. As his mother and I are usually early-birds, more than our average friends we speak between seven and eight each morning. Michael takes his mother every morning around 7:45 a.m. and almost always interrupts our conversation, which makes us laugh. I have never found Michael to do something in a dishonest way. I have always liked his character and his behavior and found him to be respectful and well brought up.

4 - On family occasions and holidays I have had the opportunity to be in the presence of Michael and his family. From my view Michael has been most perfect and absolutely enjoys his family, which includes kids and wife. I also know that his children go to day care and he is the person who drives them each morning and picks them up in the afternoon. I am aware that he plays outdoors with his children as two goes-on family outings and vacations. I have been told, by his Mom, that he and Rendi do all these types of activities to enrich the children's lives and experience.

5 - If possible, I will try to assist, in some financial way, to support Michael's release, through bond, as I am sure he would meet all the conditions requested.





July 2, 2014

To The Honorable Court,

My name is Kelly Arfin, and I am the assistant director at a community daycare in Dollard des Ormeaux. Randi has been one of my dearest and best friends for almost five years, and as such, I have become close with Michael Blumenthal as well. The youngest two of my three children are very close in age to their children, and our families spend a lot of time socializing together. We often get together so that our children can play, in addition to my husband and me getting together as couples with Michael and Randi.

I am aware that Michael has been arrested, and of the federal fraud charges he is currently facing. Finding this out came as a big surprise to me, as I know Michael to be an honest, hard-working man, friend, and father. For over more than 4 and half years, I have come to know Michael well, and I find him to be very nice, kind, and considerate of others around him.

Michael is a devoted husband to Randi. They have a very loving relationship, and equally share in the duties of running a household and raising two young children. They are very respectful of each other and are both a huge source of support for one another. They both have very integral roles in the daily management of household chores as well as child rearing.

In addition to being a great husband, I find Michael to be a warm and wonderful, and devoted father to his children. He is very dedicated to both of them, and always enjoys spending time with them and playing with them. Michael is a very hands-on father, and involved in all aspects of his children's lives. One Randi leaves for work every morning, Michael gets his children ready and drops them off at daycare. He is also the one who picks up the children after daycare. Most weekends are spent with Michael doing various activities with his children such as Hebrew education with Cooper, and gymnastics with Harper. Every day after work, Michael can be found playing outside with his children and many of their neighbors, playing street hockey, running around, and other such activities. He fosters Cooper's love of animals and dinosaurs by taking him to museums and exhibits, and reading books on the subject. Michael loves showing video clips he takes of Harper dancing, and speaks proudly of all of her new accomplishments and mastered skills. Michael often talks about the special bonds he has with both of his children.

One of the things Michael holds very dear is his special bedtime routine with Cooper. He tucks him into his bed, and then proceeds to read him several bedtime stories. After that, Michael and

Cooper spend time talking about the day's events and fun upcoming activities. On the nights when Cooper has trouble sleeping, Michael stays with him until he drifts off to sleep. Michael has told me on a few occasions that if Cooper wakes up in the middle of the night and goes to find his daddy, he enjoys the cuddles and the closeness he feels with his son looking to his daddy for comfort. This is just one of many reasons how he cherishes his time with his children, especially while they are very young.

For each of Cooper's and Harper's birthdays, Michael spends many hours baking and decorating their birthday cakes. He pays attention to every detail in preparing cakes that his children will love, and he beams with pride as the cakes are presented to his children. Cake decoration is a talent Michael shares with his mother, and enjoys the time they get to spend together on this hobby.

Overall, Michael is very dedicated to his family and their well-being. He loves his wife and children very much and finds it extremely difficult to be away from them. He holds the relationships he has with them, as well as with his parents, in-laws, siblings, extended family, and friends in very high regard.

Thank you,

  
\_\_\_\_\_  
Kelly Arfin

Wednesday, July 2, 2014

To: The Honorable Court:

In regards to the character and reputation of my dear friend/step-brother/uncle to my children, Michael Blumenthal, please consider the following:

My name is Christopher Pucser, I am an Account Manager with the Royal Bank of Canada in Montreal Quebec, and I have known Michael for the past 23 years. His father and my mother got married when I was 10 years old, so it goes without saying that I am quite aware of, and can attest to the type of person Michael is.

I am extremely saddened at hearing that Michael has been arrested and federally charged with fraud. This has a big impact on our lives, as we are not only good friends but close as a family as well).

I would like to share what I consider to be examples of Michael's good character, his trustworthiness, and good moral behavior.

Michael is someone you can count on to be there when you need him. Just recently we celebrated my son Charles' 1<sup>st</sup> birthday. Charles was sick, and we only decided last minute to go ahead with having guests over. Even though our invitation was very last minute Michael made the effort to be there because he knew it was important for me and for the kids. It made all the difference having Michael and the kids there, because my son and daughter had their Uncle and cousins there to play with and have fun.

Michael was also there for me when I needed his help with buying my wife an anniversary present. This was a big decision for me as it involved a lot of money. I trusted Michael's opinion regarding this purchase and even asked that he pick-up the present as I was unavailable. I could only entrust such a task to someone dependable and reliable.

Another huge aspect of Michael's dependability and trustworthiness is clearly evident in his manner with children.

At family get-togethers, Michael is always around to watch the kids, keep them in line when they start to act up, and explain to them if they are behaving badly, and he is always very fair with all the kids.

He is always making sure the children are having fun and getting them to laugh and be engaged. One thing is for certain; he will go the extra mile for his children, if it

means baking a cake for their birthdays" or reading them story after story just because they keep asking, as he did on one recent occasion when I was visiting.

I do have almost a lifetime of positive memories and have simply chose to share only the most recent examples in support of Michael's character. I greatly miss my friend and upon his return look forward to having him back so he can continue to have a positive impact on our lives.

Sincerely,

A handwritten signature in black ink, appearing to read "Christopher Pucser".

Christopher Pucser  
514-803-7592

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Page 1 of 1

THE HONORABLE COURT

1) I AM ELLEN BROOK, AN INDOOR DECORATOR AND FRIEND OF MICHAEL'S FROM. I HAVE KNOWN MICHAEL FOR 20 YEARS.

2) I AM AWARE THAT MICHAEL HAS BEEN ARRESTED AND CHARGED FEDERALLY WITH FRAUD.

3) I KNOW MICHAEL AS A HAPPY PERSON WHO HAS THE GIFT OF GAFF AND IS ALWAYS WILLING TO CHAT UP A STORM. HE IS A VERY SERVING PERSON WHO PIGS UP ON PEOPLE'S FEELINGS. WHEN HIS MOTHER NEEDED A CAR TO GET TO WORK MICHAEL GAVE HER HIS OLD CAR, RATHER THAN SELL IT, EVEN THOUGH HE WASN'T IN THE MONEY. HE NEVER HAD A CELL PHONE AND HE DIDN'T LIKE HER NOT BEING ABLE TO CONTACT HIM OR OTHER PEOPLE SO HE GAVE HER AN OLD CELL PHONE AND PAID FOR IT.

4) MICHAEL IS REALLY INTO HIS FAMILY. HE'S INTO EVERY MOVE THEY MAKE IN HIS PRESENCE. HE AND HIS FATHER-IN-LAW BUILT A NEW DECK IN HIS BACKYARD LAST YEAR, SO THE FAMILY COULD BE TOGETHER OUTSIDE. HE TOOK HIS SON TO SWIMMING LESSONS DURING THE PAST WINTER AND IS NOW INVOLVED IN GETTING HIM IN HIS SOCCER GAMES TWICE A WEEK AND WATCHING. HE IS A VERY INVOLVED FATHER. HIS SON LOVES BUGS WHICH HE LEARNED FROM HIS MOM, AND HE BOUGHT HER A VERY SMALL ANT FARM AND THEY COULD BUGWATCH TOGETHER. HE IS ALSO CLOSE WITH HIS DAUGHTER, WHO IS TWO AND SHARES MANY THINGS WITH HER. HE PUSHES HER ON THE SWING, TAKES HER TO THE PARK, READS TO HER AND TICKLES HER. HE IS ALSO CLOSE WITH HIS NEPHEWS. RANDI, MICHAEL AND THE TWO CHILDREN SEEM TO BE A CLOSE, LOVING FAMILY.

5) I AM UNABLE TO OFFER ANY FINANCIAL SUPPORT BUT I HAVE CONFIDENCE THAT MICHAEL WILL COMPLY WITH ALL CONDITIONS ON HIS RELEASE AS HE WOULD BE AT A LOSS WITHOUT THIS FAMILY.

E. Brooker

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GEORGETTE VINCZE  
68 DAUDELIN STREET  
KIRKLAND QUÉBEC  
H9J 2S6

July 3, 2014

The Honorable Court.

Georgette Vincze...Retired...Married to the defendant's Father

I am aware that Michael has been arrested and charged federally with fraud.

I have known Michael for the last 24 years and have seen him grow into a responsible and caring adult. When I married Michael's father, I was raising my own two sons, one being the same age as Michael and the other 3 years younger. To this day, they all have a close relationship and are parents raising young children.

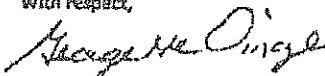
I can honestly confirm, that Michael has an exceptional relationship with his two young children, Cooper and Harper, as well as with his wife Randi.

Michael is extremely dedicated to his family and is a hands on father. His daily routine involved getting the children up, dressed, fed and bringing them to daycare as his wife Randi has to leave very early for work.

In the evenings, he also assisted Randi with mealtime, bath and shower time and seeing that the children were tucked in for the night. A heart-warming observation that I have, is seeing the unique and special bond that Michael has with his young son Cooper.

I am confident that Michael would not jeopardize any and all conditions imposed by the courts.

With respect,



Georgette Vincze



BETH ISRAEL BETH AARON CONGREGATION  
OF CÔTE ST. LUC  
6800 MACKLE ROAD • CÔTE ST. LUC, QUÉBEC • H4W 1A4  
Tel: (514) 487-1323 Fax: (514) 487-7939 www.shul.org info@shul.org

July 7, 2014

To whom it may concern,

This is to confirm that Michael Blumenthal is well known to me and I have served as his Rabbi during the significant lifecycle events in his life and the life of his family.

I am aware that Michael has been charged with serious offenses. The purpose of this letter is simply to describe my knowledge of him as a husband, as a father and as a member of our community. He is a very devoted husband to Randi and a loving father to Cooper and Harper. As well, he is extremely devoted to his parents and a loyal friend to many.

I have known Michael for many years as his rabbi, and as someone who has witnessed close-up his conduct within the family and community. He has deep ties to his community and an integral part of a beautiful and loving family.

Sincerely,

  
Reuben J. Poupko

Rabbi, Beth Israel Beth Aaron Congregation